

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ADONIS L. WILLIAMS,

Defendant.

CASE NO. 8:07CR425

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) and the government’s objections thereto (Filing No. 30). See “Order on Sentencing Schedule,” ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The government has objected to the enhancement in ¶ 26 under U.S.S.G. § 2K2.1(b)(6) for the following:

Because the defendant used or possessed any firearm or ammunition in connection with another felony offense or possessed or transferred any firearm or ammunition with knowledge, intent, or reason to believe that it would be used or possessed in connection with another felony offense, the offense level is increased by 4 levels.

(PSR, ¶ 26.)

In reading the Addendum to the PSR, it is clear that the focus of the enhancement was based on the first prong of § 2K2.1(b)(6) and the Defendant's alleged possession of the firearm in question in connection with another felony offense. (PSR, Addendum.)

The plea agreement provides that the firearm was not used or possessed in connection with another felony offense. The government's objection is granted, and the plea agreement will be upheld. The Court's tentative findings are that, absent unusual

circumstances, the plea agreement should be upheld and the base offense level should be calculated as level 14. After a 2-level reduction for acceptance of responsibility, the total offense level is 12. The sentencing guideline range is 15-21 months, and the fine range is between \$3,000 and \$30,000.

IT IS ORDERED:

1. The Court's tentative findings are that the government's objections (Filing No. 30) to the PSR are granted;
2. The parties are notified that my tentative findings are that the PSR is correct in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall file, as soon as possible but in any event before sentencing, and serve upon opposing counsel and the court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
4. Absent submission of the information required by paragraph 3 of this order, my tentative findings may become final;
5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 7th day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge